02/28/2002





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## NOTICE OF ALLOWANCE AND FEE(S) DUE

2292	7590 11/2	8/2001				
BIRCH STEW	ART KOLASCH	I & BIRCH			EXAMINI	ER
PO BOX 747	CH, VA 22040-074				PHAN, JA	MES
	,				ART UNIT	CLASS-SUBCLASS
			•		2872	359-224000
				DAT	E MAILED: 11/28/2001	-
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTO	)R	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/049,121	03/27/1998		RODNEY L. CLARK		2119-107P	5125
TITLE OF INVENTION	: VERTICAL COMB I	DRIVE ACTUATED DEF	ORMABLE MIRROR D	EVICE AND METH	OD	
TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FE	EE TOTAL FEE(S) DUE	DATE DUE

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.

YES

<u>PROSECUTION ON THE MERITS IS CLOSED.</u> THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

\$640

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. <u>THIS STATUTORY PERIOD CANNOT BE EXTENDED</u>. SEE 35 U.S.C. 151.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

nonprovisional

A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

 Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Complete and mail this form, together with applicable fee(s), to:

**Box ISSUE FEE Assistant Commissioner for Patents** 

Washington, D.C. 20231

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CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1) 2292 7590 11/28/2001 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747  FALLS CHURCH, VA 22040-0747  FALLS CHURCH, VA 27040-0747  FALLS CHURCH, VA 27040-0747  FALLS CHURCH, VA 27040-0747  APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. (Deposit indicated below. (Deposit indica	where appropriate. All fur ndicated unless corrected naintenance fee notificati	d below or directed of	ncluding the Patent, advant therwise in Block 1, by (a	ice orders and notificati a) specifying a new co	on of maintenance fees rrespondence address;	s will be mailed to the current and/or (b) indicating a sep-	nt correspondence address as arate "FEE ADDRESS" for
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FALLS CHURCH, VA 22040-0747    Interby certify that this Perfect) Transmittal is being deposited with utilised States Postal Service with sufficient postage for first class middeaded below.   (Deposite Control of the Control of Con		ART KOLASCH	I & BIRCH		or formar drawing, in		
APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION 09/049/121 03/27/1998 RODNEY L. CLARK 2119-107P 5125  TITLE OF INVENTION: VERTICAL COMB DRIVE ACTUATED DEFORMABLE MIRROR DEVICE AND METHOD  TOTAL CLAIMS APPLN. TYPE SMALL ENTITY ISSUE FEE PUBLICATION FEE TOTAL FEE(S) DUE DATE DUIL 34 nonprovisional YES \$640 S0 \$640 02/28/200  EXAMINER ART UNIT CLASS-SUBCLASS  PHAN, JAMES 2872 359-224000  1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.569). Use OPTO Form(s) and Customer Number are recommended, but not required.  1. Change of correspondence address for Change of Correspondence Address from PTO/SB/122) attached.  2. Fee printing, on the patent front page, list (1) the name of up to 3 registered patent attorneys or agents. OR alternatively, (2) the name of a single firm (laving as a member a registered attorney or agent) and the names of up to 3 registered patent attorneys or agents. If no name is listed, no name will be printed.  3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  PLEASE NOTE: Unless an assigne is identified below, no assignee data will appear on the patent, Inclusion of assignee data is only appropriate when an assignme been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.  (A) NAME OF ASSIGNEE  Please check the appropriate assignee category or categories (will not be printed on the patent) inclusion of assignee data is only appropriate when an assignment of the fee(s) are calcused.  3. ASSIGNEE NAME AND RESIDENCE: (CITY and STATE OR COUNTRY)  Please check the appropriate assignee category or categories (will not be printed on the patent) inclusion of assignee data is only appropriate when an assignment of the fee(s) are calcused.  3. ASSIGNEE NAME AND RESIDENCE: (CITY and STATE OR COUNTRY)  4b. Payment of Fee(s):  4c. Prevention of the fee(s) are calcused.  4c. Prevention of the fee(s) are calcused.  4c. Preve		H, VA 22040-0747	7		I hereby certify that United States Postal envelope addressed indicated below	this Fee(s) Transmittal is Service with sufficient posta to the Box Issue Fee ad	being deposited with the age for first class mail in an ldress above on the date
APPLICATION NO.   FILING DATE   PIRST NAMED INVENTOR   ATTORNEY DOCKET NO.   CONFIRMATION 09/049,121   03/27/1998   RODNEY L. CLARK   2119-107P   5125    TITLE OF INVENTION: VERTICAL COMB DRIVE ACTUATED DEFORMABLE MIRROR DEVICE AND METHOD    TOTAL CLAIMS   APPLN. TYPE   SMALL ENTITY   ISSUE FEE   PUBLICATION FEE   TOTAL FEE(S) DUE   DATE DUI    34   nonprovisional   YES   \$640   \$0   \$640   02/28/200    EXAMINER   ART UNIT   CLASS-SUBCLASS    1. Change of correspondence address or indication of "Fee Address" (37   CFR 1.563), Use of PTO form(3) and Customer Number are recommended, but not required.   Change of correspondence address (or Change of Correspondence Address' Indication form   PTO/SBI/22) attached.   2   For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (lawing as a member a rejectory or agent) and the names of up to 2   registered patent attorneys or agents or agent or agent or or spondence address indication form   PTO/SBI/21) attached.   2   For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents or agents OR, alternatively, (2) the name of a single firm (lawing as a member a rejectory or agent) and the names of up to 2   2   2   2   2   2   2   2   2   2				ſ	marcarea octow.		(Depositor's name)
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□ Issue Fee □ Publication Fee □ Advance Order - # of Copies □ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpaym Deposit Account Number (enclose an extra copy of this form).  The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) to the application identified above.  (Authorized Signature) (Date)  NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone	Please check the appropri	ate assignee category o	or categories (will not be p	printed on the patent)	☐ individual ☐ (	corporation or other private g	group entity 🚨 government
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Advance Order - # of Copies Deposit Account Number (enclose an extra copy of this form).  The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) to the application identified above.  (Authorized Signature) (Date)  NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone							
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APPLICATION N	О.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/049,121		03/27/1998	RODNEY L. CLARK	2119-107P	5125
2292	7590	11/28/2001		EXAMIN	ER
BIRCH STI PO BOX 747		OLASCH & BIRC	H	PHAN, JA	MES
FALLS CHU		22040-0747		ART UNIT	PAPER NUMBER
UNITED ST	ATES			2872	
			DATE MAILED: 11/28/2001		

## Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 8, 1995 but prior to May 29, 2000)

The patent term extension is days. Any patent to issue from the above identified application will include an indication of the day extension on the front page.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)



Notice of Allowability

Application No. 09/049,121

Applicant(s)

Examiner

Clark et al

aminer James Phan

2872



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The MAILING DATE of this communication appears on the cover short with the correspondence address
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.  THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.
1. X This communication is esponsive to the amendment filed 10/31/01 .
2. X The allowed claim(s) is/are 2, 5-11, 14-18, 21, 23-26, and 29-44
3. X The drawings filed on Mar 27, 1998 are acceptable as formal drawings.
4. Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
a) 🗌 All b) 🗎 Some* c) 🗀 None of the:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No
3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
*Certified copies not received:
5. Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).
6. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. Applicant MUST submit NEW FORMAL DRAWINGS
(a) 🗌 including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) 🗆 hereto or 2) 🗀 to Paper No
(b) including changes required by the proposed drawing correction filed, which has been approved by the examiner.
(c) including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.
8.  Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.
Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.
Attachment(s)
1 Notice of References Cited (PTO-892)  2 Notice of Informal Patent Application (PTO-152)
3 Notice of Draftsperson's Patent Drawing Review (PTO-948) 4 Interview Summary (PTO-413), Paper No
5 Information Disclosure Statement(s) (PTO-1449), Paper No(s). 6 Examiner's Amendment/Comment
7 Examiner's Comment Regarding Requirement for Deposit of Biological Material  8 Examiner's Statement of Reasons for Allowance
9 Other
James Linan
Princy Exagina: